

THE
ORDINARY of NEWGATE his ACCOUNT,
Of the Behaviour, Confession, and dying Words of *James Cluff*,
who was executed at *Tyburn*, for the Murder of *Mary Green*, on
Friday the 25th of this Instant *July, 1729.*

BY Virtue of his Majesty's Commission of the Peace, and Oyer and Terminer, for the City of *London* and County of *Middlesex*: On *Wednesday, Thursday, Friday, and Saturday*, being the 9th, 10th, 11th, and 12th of *July, 1729*, in the Third Year of His MAJESTY's Reign. Before the Rt. Honourable Sir *ROBERT BARLIS*, Knt. Lord Mayor of the City of *London*; the Rt. Honourable the Lord Chief Baron *Pengelly*; the Honourable Mr. Justice *Reynolds*; the Honourable Mr. Baron *Thompson*, Recorder of the City of *London*; the Worshipful Mr. Serjeant *Raby*, Deputy Recorder; and other of His Majesty's Justices of Oyer and Terminer, and Goal-Delivery of *Newgate*, holden for the said City and County of *Middlesex*.

James Cluff, having been tried before for the Murder of *Mary Green*, and acquitted; was upon an Appeal of *William Green*, Brother of the said *Mary*, tried again for the said Murder, and by the Jury found Guilty of the same. *Death.*

While under Sentence, I explain'd to him the essential Points of Christianity; that as the first foundation of all Religion, we are to believe in the great God, who made Heaven and Earth and all Things that therein are, and who created Man after his own Image, in Knowledge, Righteousness and true Holiness; capable of praising God in this World, and of enjoying him hereafter: But our first Parents having broken their Covenant with God, fallen from their integrity and transgress'd the Divine Law; then God, out of pure Love and Compassion to the Miserable, was pleas'd to give unto us an Assurance of the promised Seed, which is now the Foundation of all our hope and confidence: This is the first promise of the true *Messias Christ Jesus*, through whom we have freedom of access to the Father; He it is who hath made up our Peace with God, through the Blood of the everlasting Covenant: Since then we are reduc'd to a state of Sin and Misery, from which we cannot extricate our selves, therefore it is necessary that we fly unto a Saviour, who is none else but our Lord *Jesus Christ*, Acts 4. 12. *Neither is there Salvation in any other: for there is none other Name under Heaven given among Men, whereby we must be Saved.* I exhorted him, and the others who were under Sentence of Death with him, to believe in *Christ* their only Saviour, whom God hath set forth to be a Propitiation, through Faith in his Blood,

and in Testimony of their Faith, to bring forth fruits meet for Repentance and amendment of Life, to endeavour by the grace of God to become holy as God is holy and blameless in all manner of Life and Conversation, for without Holiness no Man can see the Lord.

Then I insist'd upon the heinousness of this horrid Sin of Murder at full length, in order (if possible) to bring him to a due Sense of it; showing him how directly contrary it is to the Law of Nature, to the express Law of God, and to the Laws of all Societies, Kingdoms, and Common-wealths. The first Principles of Reason with which we are possess'd, declare to us the Cruelty, Inhumanity and Barbarity of such a Sin, as altogether inconsistent with our reasonable Faculties at once divesting us of all Humanity, Mildness and Civility, and declaring us of the fierce Savage, and cruel temper of *Lyons, Wolves, and Tygers*, and such other ungovernable Creatures, which seem to be made for nothing but to Destroy.

The first Law God gave to *Noah*, after the Flood is, *whoso sheddeth Man's Blood, by Man shall his Blood be shed*; and this is one of the Laws promulgated by God upon Mount *Sinai* to the *Israelites*, *Thou shalt not Kill*, or, *Thou shalt do no Murder*. And accordingly we find the *Hebrews* commanded by no means to suffer the Murderer to live, and we are made to know that there is no way of expiating this Sin, so as to remove the guilt of it from the Land where it is Committed, but by requiring *Blood for Blood*: And in the New Testament, wherever abominable Sins and Sinners are mention'd, the Murderer never fails to be inserted in the black Catalogue, as we see, Gal. 5. 19, 20, 21. Rom. 1. 29. Murderers are excluded the Kingdom of Heaven, and have their Portion assign'd them with Hypocrites and Unbelievers. Rev. 21. 8. *But the fearful, and unbelieving, and the Abominable, and Murtherers, and Whoremongers, and Sorcerers, and Idolaters, and all Lyars, shall have their part in the Lake which burneth with Fire and Brimstone: which is the second Death, &c.* I desir'd him to partake in the Sacrament of the Lord's Supper, as a pledge of *Christ's Love*, and an earnest of everlasting Life.

When these and many such exhortations were given, *James Cluff* behav'd himself with apparent Gravity, Modesty, and Civility, both in Publick and Private, but did not seem to have that Sincerity of Mind, and

concern upon his Spirit, which was necessary for one in his deplorable Circumstances, upon the brink of Eternity, and under Sentence of Death for the grievous Sin of Murder. When he knew that the Day appointed for his Execution was *Friday*, the 25th of *July*, he did not alter in his carriage, but appear'd still to be of a compos'd and undisturb'd Mind, so that rarely any Malefactor hath been seen (at least) apparently so unconcern'd and indifferent.

James Cluff, of *St. Andrews Holborn*, (at the Sessions of the Peace, and Oyer and Terminer, holden at the *Old-Baily*, on the 16th, 17th, 18th, 19th, 21st, and 24th of *April* last) was Indicted for the Murder of *Mary Green*, by giving her one mortal Wound on the right Thigh, of the breadth of one Inch, and depth of five Inches, on the 11th of *April* last, of which she Instantly died.

He was a second time Indicted on the Coroner's Inquest, on the Statute of Stabbing; and likewise the third Time, on the Coroner's Inquest, for the Murder of the said *Mary Green*. The Proof upon these Indictments not appearing clear to the Jury, he was acquitted of them all.

William Green, Brother to the deceas'd *Mary Green*, as heir at Law, and nearest to her in Kindred, thinking to put that affair in a clearer light, lodg'd an Appeal in Court against *James Cluff*, for the Murder of his Sister *Mary Green*; and accordingly, at the next Sessions, on the 21st, 22d, 23d, and 24th of *May* last.

James Cluff, Try'd and acquitted last Sessions, for the Murder of *Mary Green*, against whom *William Green*, Brother and Heir to *Mary Green*, did, after his being acquitted, bring an Appeal, and appear'd at the Bar, and mov'd the Court that he might be try'd this Sessions; but not having taken care to bring a *Venire Facias* in Time, so that it could not be done according to the usual course of Law; his Tryal was defer'd till the next Sessions; at which time, which was the 9th, 10th, 11th, and 12th of this Instant *July*.

James Cluff, of *St. Andrew's Holborn*, was, upon an Appeal for Murder, at the Instance, and upon the Prosecution of *William Green*, Brother and Heir to the deceas'd *Mary Green*, try'd for the Murder of *Mary Green* his Sister.

Mrs. Diana Payn, at the *Green Lattice* in *Holbourn*, Depos'd, that the Prisoner and the Deceas'd *Mary Green*, were her Servants: That about 15 or 10 Minutes before the Fact was committed, as she stood at the Door, she saw the Prisoner carry out a pot of Drink; and that as she was walking in the Tap-house with the Child in her Arms, she saw *Mary Green* go down into the Cellar, and bring up two pints of Drink, one for a Customer, and the other for her Self, which she carried into a Box where she was at Dinner, and

this was about 4 or 5 Minutes before the Fact was done; when the Prisoner came in, he went into the Room to the Deceas'd, and in about four Minutes he cry'd out, Madam, *pray come here*; as she came to the Door of the Box, the Deceas'd sat on her Backside on the Floor, and the Prisoner held her up by the Shoulders, and the Blood was running from her in great quantity; then she said to the Prisoner, James, *what have you done?* he answer'd Madam, *nothing*; did you see her do any thing to her self? he answer'd *no*; but that he saw her in the Cellar, with a Knife in her Hand. The Deceas'd neither spoke nor mov'd, and seem'd to be Dead. She being affrighted call'd for her Husband, and ran for an Apothecary.

Mr. John Payn, confirm'd his Wife's Evidence, with this variation, that they heard no noise nor Strugling, while the Blow was given, and that when she came out of the Cellar there was no Knife in her Hand. He added, that about 9 or 10 o'Clock that Morning, a Young-Man came (who he hear'd had been a Sweet-heart of the Deceas'd) and drank a pint of Drink, and Smoak'd a Pipe; that the Deceas'd sat by him a while, and believ'd the Man kiss'd her, for they sat directly over against the Bar; that he saw an alteration in the Prisoner's Countenance, and that he look'd ruffled; but he knew nothing of any Courtship between them. He said also, that as the Prisoner went into the Box where the Deceas'd was, he threw the Door with an uncommon violence.

Mr. Saunders, who Din'd that Day at *Mr. Pain's* House, confirm'd the former Evidence, adding, that *Mr. Pain* calling the Prisoner *Villain*, &c. He said, *he was innocent as the Child at his Mistresses Breast*, and that he pretended the Deceas'd took a Knife in her Hand, when she went to the Cellar; upon which *Mr. Pain* and he went down into the Cellar, but found not a drop of Blood all the way: He added that the Prisoner was gone out of the House, when the Deceas'd went down to draw the Drink, and that they saw no Knife in her Hand.

Mr. Cox, the Surgeon, Depos'd, that he found the Deceas'd on her Back and a vast effusion of Blood, that he found a Knife among other Knives upon the Table with a little Blood upon it; that the Knife answer'd exactly to the Cut which went through her Apron, a Quilted-Coat, a Stuff Petticoat, and a course strong Shift, and also to the Wound in her Thigh; that the Wound went obliquely upwards, and (as he thought) could scarce be given by the Deceas'd, and he was of that Opinion, that the Knife lying four Foot distant from the Place where the Deceas'd had been Sitting, she could not lay it there; a Wound in the femoral Artery being so Mortal, that one cannot live above a Minute and a Half at most, after it is receiv'd. He observ'd also, that under her Chin, and under her left

Ear, and about her Elbows, there seem'd to have been some Confinement or Violence us'd, so as to cause the Blood to Stagnate, and prevent its Circulating. This Deposition was confirm'd also by another Apothecary and Surgeon, and in some of the most material Points, by a Surgeon who was call'd in behalf of the Prisoner.

Mr. Baldwin, Depos'd, that at 9 o'Clock he being at Mr. Pain's, he saw the Prisoner and the Deceas'd quarrelling, that he thought he look'd Maliciously, and that he was an ill-natur'd Fellow.

Mrs. Groves, Ann Duncarton and the deceas'd's Mother, who gave Evidence upon the former Tryal, that the Prisoner had several times us'd the Deceas'd ill, did not give their Evidence, though in Court ready to do it.

The Prisoner made a trifling Defence, the main design of which ended in denying every thing which the Witnesses gave in Evidence against him. After a full hearing of Counsel learn'd in the Law, both against and for the Prisoner, the Jury brought him in Guilty of the Murder.

James Cluff, 32 Years of Age, as he said, descended of honest Parents, who kept a Publick-House near *Clare-Market*, and gave him good education at School, in Reading, Writing, Cyphering, and such things as were proper to make him fit for Business. When of Age, he was put out Apprentice to a *Vintner*, at the *Swan* in *Tower-Street*, and serv'd out his Time Honestly and with Approbation. Afterwards he serv'd in several Taverns and Publick Houses in Town, especially at the *Horseshoe* in *Blow-bladder street*, near *Cheapside* he liv'd two Years, and always (for what we could hear) with the Good-will of his Master, and all others whom he had an occasion to serve in such Houses, having been abundantly obliging in his Temper to Customers. But otherways he had been of a dissolute Life in a private Capacity, with respect to himself, having been much addicted to Drinking, Whoring, Swearing, and such other Vices, as are incident to Men inclin'd to give loose Reins to their extravagant Humours; but he had still the Character of being an Honest Man, although his manner of Life oblig'd him to contract some small Debts, part of which (as some People who knew him affirm'd) he was not capable, though willing to discharge; but whatever good purpose he might have had to satisfy his Debts, was prevented by the horrid unfortunate Crime for which he died.

As to the Murder of which he was Convicted, he was very obstinate in denying that he gave the fatal Wound, although he did not pretend to give any Account what way *Mary Green* came by it: and it must of necessity have been given either by the Maid or himself, since there was no third Person in the Room to do it; but it is the Opinion of all them who saw the Wound, and reflected on the Circumstances of the

Posture she was in, that it was next to an impossibility for *Mary Green* to do her self so great a Mischief.

I earnestly press'd upon him to glorify God by a plain Confession of his Crime, and urg'd to him the most material Circumstances, in Consideration whereof scarce any Body doubts but he committed the Fact. He could not pretend that his Master, or Mistress, who gave him the Character of a good Servant, had any Prejudice, or Ill-will to him, upon which Account they might be easy, whether he lived or died. He neither reflected on them, nor none of the Witnesses, as if they had any View in Prosecuting him, but that Justice might be executed. I urg'd him with the Surgeon's Opinion, that it was improbable, if not impossible, for the Maid to give herself such a Wound; that she had no Knife in the Cellar; that in the first Trial, three Persons had sworn that he was Rude and Barbarous to the Deceased upon many Occasions, and upon that Account she made grievous Complaints to her Mother, and others, but without the desirable Effect of taking her altogether out of his Company, which prov'd so Fatal to her. He own'd, that his Master and Mistress were very Kind to him, that he had been a very dutiful Servant, having never given any Occasion of Discontent to them, and that he could not think they entertain'd any Prejudice against him. As to the other Evidences, he did not alledge that any of them had a Grudge against him, but when I urg'd these Probabilities, and many other things which convinced the World that he committed the Murder, and another Reverend Clergyman, who frequently attended him in the Cell, was present, who also exhorted him with many pathetick Expressions taken from Scripture and Reason, to acknowledge his Crime; he continued Peremptory in his Denial. At first, indeed, he seem'd to be in Confusion, at the many pressing Instances which were made to extort a Confession from him; but recollecting himself, he denied that he gave the mortal Wound, and said, *that he knew nothing at all how she came by her Death, no more than the Child that's unborn*. He said that the Deceased was a very ill-natur'd Girl, that she swore and cursed often, and he did not deny but he had struck her sometimes, as was given in Evidence against him, but that he did not do her any Harm; and after all that could be said, he still persisted Obstinate in denying the Fact. He said, that when he was Young, he was not disobedient to his Parents, who were very Careful in giving him good Education; but that in other Respects, he had led a very wicked Life, in breaking the Lord's Day, and neglecting his Duty to Almighty God, who therefore had now justly forsaken him. He appear'd not to be of an ill Temper, but a civil Fellow, and abundantly knowing in religious Matters, for one of his Station. Many of his Friends and Acquaintances came daily to

visit him, while he was under Sentence, and I wish they did not divert him too much from his Duty, and that some of them did not under-hand, buoy him up with false Hopes. He hop'd to be sav'd only by the Mercy of God, through the Merits of Jesus Christ, and that he forgave all the World any Injuries done him, as he expected Forgiveness from Almighty God.

As he was going to the Place of Execution, he desir'd the Officers to stop at Mr. Pain's, at the Green Lettice in Holborn, who was his Master, and lived with him at the same Time the Murder was committed: When he came to the Door of his said Master, he call'd for a Pint of Wine, and desired to speak with him, and accordingly he came; then Cluff address'd himself to him after the following Manner: Sir, *You are not unsensible I am going to suffer an ignominious Death, and for what I declare I am not Guilty of, as I am to appear before my Great Judge in a few Moments to answer for all my past Sins: I hope you and my good Mistress will pray for my poor Soul: Pray God bless you, and all your Family.* Then he turn'd to the Officers and desir'd them to speak to the Carman to go on; and it was Remarkable, that he spoke it with a great deal of Composure; and likewise when he came to the Place of Execution, his Countenance no ways chang'd, not even to the very last; when the Executioner came to pull his Cap over his Face, he was the same, being no ways concern'd at his approaching and untimely Death.

At the Place of EXECUTION.

He appear'd (as he always did under his Misfortune while under Sentence) with a deal of Composure and Gravity, that the like is Seldom seen in those unfortunate People at their last Moments: He was attentive and serious, and made responses to the Prayers and Psalms. He address'd himself to the Spectators to this purpose: *Good People, I die for the Fact I did not do. I wish all Men well, and he said he never ceas'd to pray for his Prosecutors most heartily, ever since he was under Sentence.* My Sins have been very great, and I hope for God's Mercy, through the merits of Jesus Christ. A Psalm was Sung at his desire. He overheard some People say that his Mistress was in a Coach just by the Place of Execution; whereupon he could not be easie, till a Person went to the Coach and satisfy'd him that she was not there. As the Cart was going away, he once more Address'd himself to the Spectators, as follows, *Good People, I beg of you to Pray for my departing Soul, and as for the Fact which I now die for: I wish I was as free of all other Sins, as I am of this, which I am now a going to Suffer for.* He desir'd his Friends to carry him to *Hand-Alley* in *Holbourn*, and from thence to be carry'd to *St. Andrews Holbourn*, to lye by his Brother.

This is all the Account given by me,

JAMES GUTHRIE, Ordinary of Newgate.

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